Office Action Summary	Application No.	Applicant(s)	
	09/521,614	ASMUSSEN, MICHAEL L.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-78* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/15/04 have been fully considered but they are not persuasive.

Applicant argues that Abecassis does not teach pausing the video program in response to the detection of the occurrence of the communications event or in response to a trigger related to the occurrence of the communications event (response page 18 and 19).

Regarding applicants argument, the examiner agrees with the applicant that after the acceptance of communications, the device pauses the video program. http://dictionary.reference.com/search?q=communication defines communications as *"The exchange of thoughts, messages, or information, as by speech, signals, writing, or behavior."* Thus the communications event in Abecassis begins when a user accepts a request to begin an incoming phone call, or videoconference as communications require an exchange of thoughts messages or information. Abecassis then automatically pauses the program when a user picks up a receiver, or presses a button and begins the communications (column 53, lines 18-26) an indication of the communications event is then displayed onscreen whether it is caller ID and caller information, paging information or video information (column 52, lines 43-65). Likewise, the communications event in Lortz begins when a user accepts a message to view an incoming webpage.

The combination of Abecassis and Lortz would result in a system in which a video data is paused while a user views an incoming webpage.

Applicant argues that the combination of Lortz and Abecassis fail to disclose pausing the video program in response to the detection of the communications event (response page 20).

Regarding applicants argument, the claims are silent as to any participation by the user in a communications event. Abecassis teaches that the communications event begins upon a user deciding to accept a request to begin an exchange of information (column 53, lines 18-26), which results in the program being paused.

Applicant traverses all of the official notices taken by the examiner (response page 21)

The examiner has replaced each official notice with a corresponding reference in the below office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, 9, 12-14, 16, 19-26, 29, 30, 33-35, 37, 40-47, 50, 51, 54-56, 58, 61-65, 67-70, 72-75, and 75-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,553,178-B2 to Abecassis.

Regarding claim 1, Abecassis discloses a method (figure 13) for automatically pausing a video program in response to an occurrence of an event, comprising:

receiving a video program (step 1301, figure 13)and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311):

pausing the video program in response to the detection of the occurrence of the communications event (steps 1321-1323, column 52, lines 43-56); and

outputting a signal for displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65).

Regarding claims 2-3, 23-24, and 44-45, Abecassis discloses detecting an incoming telephone number and displaying a telephone number associated with the incoming call (step 1310, column 51, line 51-63, column 52, 13-17, figure 14/a).

Regarding claims 4, 8, 9, 25, 29, 30, 46, 50, and 51, Abecassis discloses that the incoming communication may be a paging message (column 51, lines 22-24).

Regarding claims 5, 26, and 47, Abecassis discloses outputting a graphic associated with the caller's telephone number (column 53, line 57-column 54, line 3).

Regarding claims 12, 33, 54, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 34, 35, 37, 55, 56, and 58, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 19-21,40-42, 61-63, 70, and 72, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally stored graphic, which is then displayed on the user's display (column 55-column 54, line 3).

Regarding claim 22, Abecassis discloses an apparatus (figure 5) for automatically pausing a video program in response to an occurrence of an event, comprising:

a receive module 502 for receiving a video program and outputting the video program for presentation on a display device (display processor 513, column 18, line 52-column 19, line 5, column 20, lines 40-48);

a detection module 500 (RAVIT) for detecting occurrence of a communications event during the video program (acceptance of an incoming call or message, column 52, lines 18-27);

a pause module for pausing the video program in response to the detection of the occurrence of the communications event (column 52, lines 25-42); and

an output module for outputting a signal for displaying an indication of the occurrence of the communications event (display processor 513, column 52, lines 51-56).

Regarding claim 43, Abecassis discloses a computer program product comprising:

A computer readable medium containing instructions for controlling a computer system (column 2, lines 13-17) to perform a method for automating pausing a video program in response to an occurrence of an event (figure 13)

receiving a video program (step 1301, figure 13)and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311):

pausing the video program in response to the detection of the occurrence of the communications event (steps 1321-1323, column 52, lines 43-56); and

outputting a signal for displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65).

Regarding claim 64, Abecassis discloses a method (figure 13) for automatically pausing a video program in response to an occurrence of an event, comprising:

receiving a video program (step 1301, figure 13)and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311),

displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65)

detecting a triggering event related to the communications event (user acceptance of the incoming call, by a user pressing a button or picking up a receiver, column 52, lines 19-27) and pausing the video program in response to the detection of the triggering event (steps 1321-1323, column 52, lines 43-56).

Regarding claim 69, Abecassis discloses a system (figure 5) for automatically pausing a video program in response to an occurrence of an event, comprising:

a receive module 502 for receiving a video program and outputting the video program for presentation on a display device (display processor 513, column 18, line 52-column 19, line 5, column 20, lines 40-48);

a detection module 500 (RAVIT) for detecting occurrence of a communications event during the video program (acceptance of an incoming call or message, column 52, lines 18-27);

a display module for displaying an indication of the communications event (display processor 513, column 52, lines 51-56),

a detection module 500 (RAVIT) for detecting occurrence of a triggering event related to a communications event (detecting a user by a user pressing a button or picking up a receiver, column 52, lines 18-27);

a pause module for pausing the video program in response to the detection of the triggering event (column 52, lines 25-42).

Regarding claim 74, Abecassis discloses a computer program product comprising:

A computer readable medium containing instructions for controlling a computer system (column 2, lines 13-17) to perform a method for automating pausing a video program in response to an occurrence of an event (figure 13)

receiving a video program (step 1301, figure 13)and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311),

displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65)

detecting a triggering event related to the communications event (user acceptance of the incoming call, by a user pressing a button or picking up a receiver, column 52, lines 19-27) and pausing the video program in response to the detection of the triggering event (steps 1321-1323, column 52, lines 43-56).

Regarding claims 65, 67, 73, 75, and 77 Abecassis discloses that an icon 1411 displays the type of incoming message (Figure 14a, column 53, lines 59-64).

Regarding claims 68 and 78, Abecassis discloses that if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (figure 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 6, 7 , 27, 28, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of the MSN Messenger Service.

Regarding claims 6, 7 , 27, 28, 48, and 49, Abecassis discloses that the incoming communication may be in the form of paging, messaging or any digital transmission (column 51, lines 22-24).

Abecassis does not disclose detecting an incoming email message.

The MSN Messenger service automatically detects and notifies a user when they receive new messages in their email account and is integrated with a user's Outlook Express mail client, thus enabling a user to view an email message on their display device (entire document).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect an email message and display a message as taught by MSN Messenger service thus enabling a user to respond to an urgent communication.

4. Claims 10-11, 31, 32, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,349,410 to Lortz.

Regarding claims 10-11, 31, 32, 52, and 53, Abecassis discloses a video on demand system in figures 13-14b which uses a PCTV like device (figure 5, column 18, lines 33-51), in which a user may receive an incoming call or page, a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video (column 51, lines 16-column 54, line 53).

Abecassis does not disclose detecting an incoming webpage and displaying it on a display device.

Lortz discloses a system which detects incoming web content, displays a notification to a user, a user then selects the web page for display, and the currently watched program is paused and recorded onto a hard drive (Figure 2, column 3, line 29-column 4, line 28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, to detect and display the incoming web page in order to enable a user to fully watch a program of interest without missing any portion of the broadcast.

5. Claims 15, 36, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,543,053 to Li.

Regarding claims 15, 36, and 57, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis does not disclose the use of a slow motion signal.

Li discloses a COD service, which enables VCR like functions including slow motion (column 8, lines 57-64) thus enabling a user to see more detail by viewing a image slowly.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize a slow motion signal as taught by Li thus enabling a user to watch a video and see much more detail.

6. Claims 17, 38 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,052,508 to Mincy.

Regarding claims 17, 38 and 59, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis does not disclose the use of a frame back function.

Mincy discloses the use of a frame back key which enables a user watching a video clip to view the previous frame (column 19, lines 47-57) thus enabling a user to view a clip in higher detail by seeing the changes for each frame.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize a frame back function as taught by Mincy thus enabling a user to view a clip in higher detail by seeing the changes for each frame.

7. Claims 18, 39, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of the ReplayTV manual.

Regarding claims 18, 39, and 60, Abecassis discloses the use of a skip function (column 39, lines 53-58).

Abecassis does not disclose utilizing a jump signal to display a program from the current point of transmission.

The ReplayTV manual discloses the use of a button on a remote control that enables a user to return to a live broadcast after pausing, rewinding or stopping a video stream, thus enabling a user to skip unwatched portions of a video stream.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize a jump signal to return to live display as taught by ReplayTV, so that a user could skip unwanted portions of the video without having to watch it via a fast forward or segment jump command.

8. Claims 66, 71 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,699,107 to Lawler.

Regarding claims 66, 71 and 76, Abecassis shows in Figure 14a, a menu, which indicates a communications event.

Abecassis does not disclose whether the menus are overlaid over the image or if the image is shrunk to display the menus.

Lawler discloses overlaying an alert in figure 9, over a currently displayed program, thus directing a users attention to an important message.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize an overlay over the displayed video as taught by Lawler thus directing a user's attention to the incoming message .

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

CHRIS GRANT
PRIMARY EXAMINER